

JRB (58646-76)

ARDC #6278964

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LORRAINE OLDHAM)
Plaintiff,)
v.)
RALPHS GROCERY COMPANY, a) Case No. 22-cv-5645
Corporation d/b/a FOOD 4 LESS)
MIDWEST) Judge: Honorable John F. Kness
Defendant.) Magistrate Judge: Honorable Jeffrey Cummings

JOINT INITIAL STATUS REPORT

Plaintiff, Lorraine Oldham, by and through her attorneys, and Defendant Ralphs Grocery Company d/b/a Food 4 Less, by and through their respective attorneys, and jointly submit the Initial Status Report as follows:

1. Attorneys of Record Expected to Try Case:

Plaintiff:

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Defendant Ralphs Grocery Company
d/b/a Food 4 Less:

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2. Basis for Federal Jurisdiction:

The United States District Court for the Northern District of Illinois, Eastern Division, has jurisdiction over the above-captioned lawsuit pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1441. This case was removed from Illinois State Court on such grounds.

Plaintiff is a resident and citizen of the State of Illinois.

Defendant Ralphs Grocery Company d/b/a Food 4 Less, at the time the lawsuit was commenced and at all relevant times, has been an Ohio corporation with its principal places of business in California, making it a citizen of the State of California and the State of Ohio;

Plaintiff's Complaint alleges damages in excess of \$50,000.00 and includes claims that she has suffered and will continue to suffer injuries of a personal and pecuniary nature. Such allegations are sufficient to trigger removal on grounds of diversity jurisdiction. *McCoy v. General Motors Corp.*, 226 F. Supp. 2d 939 (N.D. Ill. 2002); *Varkalis v. Werner Co. & Lowe's Home Ctr.*, No. 10-C-03331, 2010 U.S. Dist. LEXIS 84870 (N.D. Ill. 2010).

3. Nature of the Claims Asserted:

Plaintiff: Plaintiff agrees with Defendant.

Defendant Ralphs Grocery Company d/b/a Food 4 Less: Plaintiff brings allegations of negligence against Defendant for injuries that arose from an incident that occurred on March 17, 2022 wherein Plaintiff was inside the Food 4 Less located at 1701 N. Larkin Avenue, Crest Hill, Illinois and tripped and fell over a bolt on the floor inside the store.

The allegations against Defendants are as follows:

- a. Allowed a bar to remain bolted to the floor in obstruction of the checkout lane;
- b. Failed to maintain a clear and safe checkout lane for invitees;
- c. Failed to warn Plaintiff of a bar obstructing the checkout lane;
- d. Failed to do a reasonable inspection of the premises to detect an obstruction in the checkout lane that could pose a risk to its invitees;
- e. Failed to place the bar in a safe location where it could not pose a risk to invitees.

4. Parties Not Yet Served:

All parties have been served.

5. Principal Legal Issues:

The Parties expect liability and damages to be at issue. Specifically, Defendant expect the following issues to be contested: The cause of Plaintiff's fall and whether the condition was open and obvious; whether an injury occurred; whether the alleged incident caused Plaintiff's physical injuries; the amount of

damages; the causal connection between the subject incident and Plaintiff's alleged damages and Plaintiff's failure to mitigate her damages.

6. Principal Factual Issues:

Defendants expect there to be factual issues related to the principal legal issues identified *supra*.

7. Jury Trial:

The parties demand a jury trial and expect the trial to last 4-5 days.

8. Discovery Undertaken and Anticipated:

Plaintiff: Plaintiff will provide Mandatory Initial Discovery Responses to Defendant by April 21, 2023. Plaintiff anticipates that the following discovery will be needed, irrespective of possession, custody, or control: Defendants' depositions.

Defendant: Defendant has provided its Mandatory Initial Discovery Responses to Plaintiff and issued written discovery. Defendant anticipates that the following discovery will be needed, irrespective of possession, custody, or control: Plaintiff's medical records; Plaintiff's medical bills, invoices, receipts; Plaintiff's employment or personnel file; Plaintiff's scope of employment; Plaintiff's salary and income; Plaintiff's tax records, including W-2s; party depositions; medical depositions; and expert reports and depositions.

9. Discovery Plan:

- i. Written discovery will be issued by Plaintiff no later than April 28, 2023.
- ii. Pleading amendments due by September 22, 2023.
- iii. Liability discovery is to be complete by August 25, 2023.
- iv. Medical discovery is to be complete by September 29, 2023.
- v. Plaintiff expert liability reports due on or before October 31, 2023 with Plaintiff expert depositions completed by November 30, 2023.
- vi. Defendants expert liability reports due on or before December 29, 2023 with Defendants expert depositions completed by January 31, 2024

10. Earliest Trial Readiness:

The parties anticipate the earliest they will be ready for trial is February 29, 2024 and the trial will last 4-5 days.

11. Consent to Proceed Before Magistrate Judge:

The Parties consent to proceed before the Magistrate Judge.

12. Status of Settlement:

There have been no settlement discussions between the parties.

The parties do not request a settlement conference at this time but will entertain the possibility of a settlement conference likely after party depositions are complete.

Dated: April 12, 2023

Respectfully submitted,

/s/ Patrick J. Condon

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Counsel for Defendant,
Ralphs Grocery Company d/b/a Food 4 Less

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on **April 12, 2023** a copy of the Joint Status Report was filed electronically with this Court, causing a copy of the foregoing document to be delivered via the Court's CM/ECF Electronic Filing System to all Counsel of Record.

By: /s/ Jennifer R. Beegle
Attorney for Ralphs Grocery Company d/b/a
Food 4 Less